THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 18087OF 2005

16th DAY OF AUGUST, 2005

Between:

The Shirdi Sai Seva Samithi, rep. by its

President, R/o 44-28-3/7, Railway New Colony,

Visakhapatnam.

Petitioner

A n d :

The Senilor Divisional Engineer,

East Coast Railway, Visakhapatnam and another

Respondents

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ORAL ORDER:

The petitioner claims to be a registered service organization, registered under the Registration of Societies Act. According to the petitioner they constructed a temple – Shirdi Saibaba Temple, in the Railway land. How they came by the possession of the Railway land is not stated. They now apprehend that the Railway authorities would demolish the temple structure and in substance seek an injunctive relief in this writ petition.

This court is not inclined to exercise discretion under Art.226 of the Constitution. The petitioner has ample alternative remedies before civil court of competent jurisdiction or before any other appropriate forum as is advised. Admittedly the petitioner is an encroacher and the temple is an unauthorized construction. Hence this court is not inclined to grant the relief sought. The writ petition is dismissed at the stage of admission.

However, the petitioner is at liberty to pursue the appropriate remedy before an appropriate forum as is advised.

No order as to costs.

Dated: 16.08.2005 ----------

Pvsn Justice G. Raghuram